UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1998/SR.5
12 August 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Fiftieth session

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 5 August 1998, at 3 p.m.

Chairman: Mr. GUISSE

later: Mr. ALFONSO MARTÍNEZ
(Vice-Chairman)

later: Mr. GUISSE
(Chairman)

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GE.98-13555 (E)

The meeting was called to order at 3.05 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 2) (E/CN.4/Sub.2/1998/2, 26 and 27)

1. Mr. PRADHIR (Asian Buddhists Conference for Peace) said that, following the signing of the Peace Agreement in the Chittagong Hill Tracts on 2 December 1997, the human rights situation there had improved slightly. Proper implementation of the Agreement had, however, been slow and human rights violations had persisted. There had been cases of arbitrary arrest, rape and land rights violations. The major opposition parties were against the Peace Agreement and had mounted violent attacks on the people and the authorities' efforts to tackle the turbulent situation were completely inadequate. A returning Jumma refugee had been killed by settlers and two Jumma women had been raped. The people's expectations had not yet been fulfilled, but they were optimistic that the Government would take the necessary steps to strengthen the process of implementing the Peace Agreement.

2. Mr. Alfonso Martínez, Vice-Chairman, took the Chair.

3. Ms. GIRMA (African Association of Education for Development) said that, following the change of Head of State in Nigeria, some journalists and opposition politicians had been released from jail, owing to the efforts of human rights defenders. Pressure should continue, to enable Nigeria to emerge from its vicious circle. In the Sudan, the Government was seeking a negotiated solution with its opponents, having announced a unilateral ceasefire. The Sub-Commission should encourage that positive step and discourage those who wished to see a crusade mounted against the jihad. There had been some admirable developments in South Africa, too, and she applauded the personal and collective efforts of the Sub-Commission's experts and working groups. The continent of Africa had a great need for civil peace and reconciliation.

4. Angola had taken a step backwards and risked being plunged again into an interminable conflict. If those responsible were not stopped, the population, would be torn apart on ethnic grounds. The human rights situation in the Great Lakes region and the Horn of Africa was also of concern. The ethnic problems of Rwanda and Burundi had spilled over into the Democratic Republic of the Congo. The Heads of State of both Ethiopia and Eritrea, which had received military assistance to enable them to police the region, had shown boundless irresponsibility. The region was sorely in need of a peaceful solution and her organization requested the Sub-Commission to report on the matter to the Commission.

5. Ms. ALA'I (Baha'i International Community) said that, a fortnight previously, a Baha'i had been executed in Iran solely because of his religion. He had been accused of converting a woman from Islam to the Baha'i faith, an accusation the woman denied. His family had been told to collect his body. Marks on his neck indicated execution by hanging, but no documentation had been provided. Her organization feared for the lives of three other Baha'is

tried and sentenced to death at the same time. They had been granted a retrial on legal grounds, but their court-appointed lawyer was extremely unsatisfactory.

6. The Iranian Government regularly denied that the Baha'is were persecuted in Iran and had been indicating that the situation had changed for the better. Unfortunately, that was not yet the case and she requested the Sub-Commission to call on the Government to abide by the principles of the two International Covenants on Human Rights to which it was party.

7. Ms. OLSTHOORN (Minority Rights Group International) said that, while the Middle East peace process stagnated, the marginalized situation of the Palestinian community in Israel risked being neglected. After the civil war of 1948, some 160,000 Palestinians had remained inside what became Israel, even though they were excluded from the political and economic benefits of being an Israeli. Successive Governments had attempted to suppress their identity and divide their community.

8. A total of 176 Arab settlements had been declared "unrecognized" and their inhabitants denied basic services, such as education, electricity, health, public transport and water. Their houses risked being demolished. Thousands of dwellings had been built illegally and only 2.2 per cent of the dwellings constructed at State expense had been allocated to Palestinians. Bedouin were brutally evicted when grazing their livestock on their ancestral lands, designated "unauthorized areas", and were denied any form of economic independence.

9. Palestinian agriculture suffered from the fact that Arabs were charged more for water. Palestinians consumed only 2.7 per cent of the water used for agriculture, while accounting for some 20 per cent of the land allotted to field crops, fruit and vegetables. Development assistance went primarily to Jewish areas, although per capita income was substantially lower in Palestinian areas. Inequalities also existed in health and education. The Arab curriculum emphasized the values of the Jewish tradition, and almost nothing was taught about Palestinian history and culture.

10. Palestinians had a higher birth rate and, by 2020, would constitute about a quarter of the population. Israel, which claimed to be a democracy, nonetheless denied a voice to those arguing that Israel should be the State of all its citizens, since the Knesset Basic Law stated that no political party could stand for election which rejected the State of Israel as the State of the Jewish people. Her organization urged Israel to redefine itself as the State of all its citizens; recognize the Palestinian Arab community as a national minority; review all land expropriations since 1948 and end all forms of discrimination.

11. Mr. KHAN AZIZ (European Union of Public Relations) said that his part of Kashmir had been called the "Last Colony" and a "Constitutionless Land". Since their occupation by Pakistan in 1947, the northern areas had been in limbo, not being a constitutional part of the territory of Pakistan, their inhabitants being stateless without the right to vote and with no elected representatives anywhere. In 1988, the then Pakistani dictator had declared them to be Pakistanis, but had failed to accord them the rights enjoyed by the

Pakistani people. The Kashmiris were ruled from Islamabad by a Pakistani Minister for Kashmir Affairs and Northern Areas, and governed locally by a Pakistan-appointed administrator, usually a retired Pakistani army officer.

12. Any political activity on the part of the Kashmiris was brutally repressed. Their political leader, Sardar Shaukart Ali Kashmiri, had been kidnapped earlier in 1998 by the Pakistani intelligence services, and there was still no news of his whereabouts. The Government of Pakistan had rejected all Kashmiri attempts to define their constitutional status, asserting that the courts had no jurisdiction since the Northern Areas were not part of Pakistan, thus denying the Kashmiri people all legal recourse.

13. Pakistan-occupied Kashmir also lagged behind the rest of the world in terms of economic development, and possessed no television station or university of its own. Kashmiris had no employment opportunities and were unable to migrate to other countries without exist permits from Pakistan. Successive Pakistani Governments had called for the accession of Indian Jammu and Kashmir to Pakistan under the guise of championing the Kashmiri cause. Any Kashmiri talk of self-determination and self-rule, adult franchise and participatory democracy was, however, severely suppressed. Kashmiri land had been converted into an armed camp for a jihad against India and Kashmiri protests against the influx of Afghan and other foreign settlers had been brutally suppressed.

14. The international media and human rights activists appeared to be ignoring the Kashmiris' plight, and he urged the Sub-Commission to dispatch a team to the Northern areas to witness the political, economic and cultural subjugation of the Kashmiris by Pakistan. The world community must force Pakistan to accord the Kashmiris their freedom.

15. Mr. Guisset resumed the Chair.

16. Mr. CUNG (International Work Group for Indigenous Affairs) said that, contrary to the assertions of the Government of Myanmar, the multi-ethnic nature of the country had not been respected by the successive military Governments, which had tried to impose national "unity" by military means. In his own region, Chinland, there were more than 10 army battalions, compared to only 1 before the pro-democracy uprising of 1988. The junta had imposed a programme of border area development, with roads and other infrastructural projects being constructed by forced and unpaid labour. Villagers were taken away for forced labour or conscripted as soldiers or porters, the resulting hardships far outweighing any possible benefits from the projects. The unique cultural identity of the Chin people was under threat because of the military regime's practice of religious persecution and Burmanization. The regime had acted on none of the recommendations contained in numerous General Assembly and Commission on Human Rights resolutions.

17. Ethnic diversity was no threat to national unity, as the Panglong Agreement of 1947 had shown, when General Aung San and non-Burman leaders had laid down guidelines for a Constitution providing legal guarantees for all ethnic nationalities. Unfortunately, successive Burmese-dominated Governments had used force to suppress the struggle of the non-Burman ethnic nationalities for their rights. Some hope had returned with the conclusion of the Mae Tha

Raw Hta Agreement of 1997, and the strong support for that Agreement expressed by Daw Aung San Suu Kyi showed the way forward to genuine national reconciliation, restoration of democracy and respect for human rights.

18. Mrs. ALI (Afro-Asian Peoples' Solidarity Organization) said that Pakistan's outdated feudal system, colonial form of government and concentration of power had led it into a state of crisis. Death and destruction from ethnic and sectarian violence occurred daily. Religious leaders called for jihads against all and sundry and for an Islamic revolution. Use of and trafficking in narcotics were rampant; and the country had been described as the most important centre for a fundamentalist brand of terrorism.

19. The legal structure ensured the persecution of minorities such as the Ahmediyas. Hindus were regarded as agents of India and there had been forced conversions of Hindu girls and Hindu temples had been destroyed. Christians continued to face the death sentence under the blasphemy laws. Sindh smouldered under a volcano of violence, the Mohajirs being the favourite target.

20. Well-funded and extremist religious schools, turned out bigoted boy soldiers for the armies in Afghanistan, Jammu and Kashmir and elsewhere. Like the terrorist training camps, they were part of a deliberate strategy whereby Pakistan's military intelligence used drug money to finance terrorist operations. The Taliban, a creation of Pakistan, had learnt the lesson well and continued the lucrative trade in narcotics. The national identity and ethos of Pakistan had to be transformed and its institutions remodelled according to accepted democratic norms, so that its people could achieve freedom and human rights.

21. Ms. STRIZZI (International Movement against All Forms of Discrimination and Racism) said that her organization was deeply concerned at the continuing violence and human rights violations in Chiapas. Although a partial agreement between the Mexican Government and the Zapatista National Liberation Army (EZLN) had been reached in 1996, its provisions had not been implemented and all negotiations had been suspended. In December 1997, a group of armed civilians, identified as members of local paramilitary groups, had killed 45 unarmed men, women and children. Peasant communities, which had declared autonomy at the local level, had been subjected to a large deployment of police and military force. International concern at the human rights situation in Chiapas, and in Mexico generally, had probably averted a greater deterioration in the situation, which could be ameliorated by a visit from a United Nations observer or special rapporteur.

22. Her organization was also deeply concerned at the grave human rights abuses that had occurred in Indonesia in May 1998, particularly the wide-ranging sexual offences perpetrated against the ethnic Chinese minority. It welcomed the establishment by President Habibie of an independent fact-finding mission and suggested that interested international non-governmental organizations (NGOs) should be associated with the mission; that consideration should be given to using United Nations human rights technical assistance; and that the necessary steps should be taken to ensure the safety of victims who gave testimony. The victims should receive redress

and steps should be taken to prevent new human rights violations, especially against the Chinese community. It was to be hoped that human rights education would be extended not only to the general public but also to members of Parliament, the police and the security forces.

23. Ms. McCONNEL (North-South XXI) said that, while Sri Lanka celebrated 50 years of independence, its Tamil people had been commemorating decades of systematic genocide at the hands of the Sri Lankan authorities. The Tamils, who were seeking self-determination, not "devolution", had for decades been struggling to preserve their national identity and free themselves from Sinhala rule. Despite United Nations interventions, the human rights situation had continued to deteriorate. There had been over 1,800 landmine victims in the Jaffna peninsula, with between 80 and 100 new casualties each month.

24. Her organization urged the Government of Sri Lanka to cease all military operations against the Tamil civilian population, withdraw the occupying forces, lift the economic blockades and allow humanitarian aid. The Sub-Commission, for its part, should appoint a body to carry out investigations into the mass graves discovered in the Jaffna peninsula in July 1998.

25. Ms. GOMEZ (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that enforced disappearances were still occurring throughout the world and were increasingly involving larger segments of the civilian population, the countries most affected being Algeria, Sudan, Turkey, Colombia and Mexico. Over the past two years in Argentina, Sudan, Turkey, Colombia and Mexico, persons campaigning on behalf of the victims had themselves been subjected to harassment, enforced disappearance, arbitrary detention, baseless legal action, torture and summary executions.

26. In Guatemala, Bishop Juan José Gerardi had been savagely murdered only two days after he had submitted his report on 36 years of disappearances orchestrated by the State security organs. People known for their social work and defence of human rights continued to be subject to summary executions. On 6 May 1998, the Mayor of El Quiche had been murdered in front of his wife and children by five hooded individuals. The clandestine bodies of oppression responsible for thousands of crimes in the recent past were continuing to operate with impunity and the Government's promise to implement the Peace Accords had not put an end to violations of human rights. The Commission on Human Rights had been premature, to say the least, in deciding to remove consideration of the situation in Guatemala from its agenda.

27. In Mexico, hundreds of persons had been arbitrarily detained and tortured in 1998 and the militarization of indigenous areas had caused the displacement of thousands of people. The Mexican army was systematically raping indigenous women, the prettiest being reserved for the officers. The Sub-Commission should pass a resolution condemning the human rights violations in Mexico in view of the deterioration of the situation of the past year.

28. Mr. AHMAD (World Muslim Congress) said that, in Kosovo, the Serbian army continued to massacre civilians under the pretext of "restoring Serbian greatness". Terror was being launched against 90 per cent of Kosovo's

population, on behalf of 10 per cent. The ethnic Albanians based their claims on real history and the majority principle, not obscure mythology. Slobodan Milosevic had created an apartheid regime in the very centre of Europe. Bosnia-style ethnic cleansing was in full swing along the Albanian border, where Serbian police and soldiers were destroying villages, killing civilians and forcing the frightened survivors across the frontier. The international community stood by, while the Serbians accomplished in Kosovo what they had not been able to complete in Bosnia.

29. There was a striking resemblance between the situations in Kashmir and Kosovo. In both countries, violence was used to suppress popular resistance to State oppression. In 1989, the year Slobodan Milosevic had annulled Kosovo's autonomous status, placing it under direct rule from Belgrade, India had imposed military rule in Kashmir. Since then, Indian forces in Kashmir had resorted to abductions, enforced disappearances, torture, summary executions and reprisal killings. Villages, stored food, religious shrines and rare manuscript libraries had been systematically burnt. Serbian forces, used similar tactics in Kosovo. In both contexts, rape was being used as a weapon of war, and neutral observers, independent journalists and international human rights organizations were denied entry.

30. The people of Kashmir felt cheated of their right to self-determination as legislated by the United Nations Security Council. Kashmir had never been an internal affair of India, and Indian hold on the State was illegal, since possession by conquest did not lend title to a territory. Title could be obtained only through the freely expressed will of a people.

31. The solution to both conflicts must lie in democracy. The people of Kosovo and Kashmir called for urgent action to restore their fundamental freedoms and to stave the genocide. They must not be disappointed.

32. Mr. PARADISO (World Federation of Democratic Youth) said that, in Pakistan, extrajudicial killings, arbitrary arrests, torture, ill-treatment of detainees and excessive use of force by law-enforcement agencies continued unabated, even though human rights organizations had been drawing the Sub-Commission's attention to the human rights situation there for a number of years. That situation had deteriorated still further in the past few months.

33. In the urban centres of Sindh, Pakistani law-enforcement agencies and armed groups sponsored by those agencies, such as "Haqiqi", had, since June 1992, been perpetrating ruthless atrocities against civilian Mohajirs under the guise of "combating terrorism" or "counterinsurgency". Members of the Muttahida Quami Movement, and their relatives, were arrested, tortured and extrajudicially executed, despite the fact that MQM was in a coalition Government with the Pakistan Muslim League. Despite reiterated pleas, no actions had been taken either by the Pakistani Government or the international community to put an end to the violence and lawlessness.

34. Despite denunciation by the former president of Pakistan, Mr. Farooq Laghari, of the thousands of extrajudicial killings which had taken place in Karachi and elsewhere since 1993, the violence had continued. A coalition Government at both the federal and provincial levels uniting the Muslim League and Muttahida Quami Movement had, however, opened a new window

of hope, and had promised to establish a commission on extrajudicial executions and a national commission for minorities. It had also pledged to dismantle the armed groups patronized by the military and put an end to the No-Go Areas.

35. Mr. SHINOJI (World Federation of Trade Unions) said he was concerned that a Pakistan characterized by dictatorial regimes and the denial of basic freedoms should be one of the two new nuclear powers. Pakistan continued to wage war and terrorism against its neighbours and its legal, constitutional and institutional structures discriminated among its own people on the basis of gender and religion. The impact of the Blasphemy Law had been brought to the world's attention by the suicide of Bishop John Joseph, who sought to protest against the arrest of a Christian youth on charges of blasphemy. Hindus, Ahmediyas and other minority denominations were also subject to severe discrimination. Women had been reduced to second-class citizens, only slightly better off than those in Afghanistan.

36. Pakistan had, since 1947, been engaged in sponsoring terrorism and insurgency, as well as waging conventional war, against India. Solutions proposed by the international community to resolve the dispute over Jammu and Kashmir tended to involve the rewriting of history, using religion as a basis for changing geographical borders, or the exchange of populations, but such solutions overlooked the horrors and traumas of the 1947 partition. If human rights were to be preserved in a nuclear subcontinent, it was imperative that the international community should persuade both India and Pakistan to look to the future rather than dwell on the past. Both countries should recognize that a de facto international border existed which must be transformed into a recognized frontier. Only thus might a repetition of the past 50 years of tension and violation of human rights be avoided.

37. Mr. KIRUBAHARAN (International Educational Development) said that, since the Sub-Commission had adopted its resolution 1983/16 expressing concern over the "severe loss of lives and property" in a massacre of thousands of Tamil people in Sri Lanka at the hands of Sinhala gangs, the genocide against the Tamil people had continued. Tamil civilians constituted by far the majority of the dead and the wounded, the tortured and disappeared, the arbitrarily detained, the abused, the displaced, the uprooted and those scattered into a new international diaspora.

38. Although the war prosecuted by the Sri Lankan military forces, which were 98 per cent Sinhala, continued, the Tamil people were not regarded as worthy of attention. Neither the Commission nor the Sub-Commission had adopted a resolution on the subject since 1987. They had paid no attention to the reports of working groups and special rapporteurs. Apparently the Tamil people were not as fashionable as the Bosnians. He asked whether the problem was that the Tamil people were historically Hindu or, possibly, the fact that certain foreign Powers had an interest in Trincomalee harbour as a means of exercising geopolitical control of the region.

39. The genocidal attacks of the Sri Lankan authorities had merely served to strengthen the Tamil's resolve for freedom. His organization thus requested the Sub-Commission to appoint a rapporteur to investigate the bodies buried in the Jaffna Peninsula and to adopt a resolution condemning the actions of the Sri Lankan authorities.

40. Mr. ARNOTT (War Resisters' International) drew attention to a recent statement on Myanmar and international law by Prof. Josef Silverstein of Rutgers University. He had said that the military junta in Myanmar had built its defence against inquiry into human rights and democracy on Article 2, paragraph 7, of the Charter of the United Nations, refusing to be drawn into any debate about what the State Law and Order Restoration Council/State Peace and Development Council (SLORC/SPDC) did within the country's borders. In so doing, the military junta was distorting the Charter which Burma had pledged to honour and uphold in its totality when it became a member of the United Nations in 1948 and when it was an original signatory of the United Nations Declaration of Human Rights.

41. The Commission on Human Rights had been seized of the issue of human rights violations in Myanmar since 1989, and had every year issued strong resolutions calling upon SLORC/SPDC to alter its behaviour and respond to its recommendations. Because of the seriousness of the charges, the Commission had named three different rapporteurs to make inquiries and publish their reports: thus far, Myanmar had admitted the first two but continued to deny entry to the third. The General Assembly had also been seized of the issue and had issued strong resolutions, but with no greater success than the Commission.

42. It was time for the Association of South-East Asian Nations (ASEAN), the relevant regional grouping, to stand with the rest of the world in making it clear to the newest member of ASEAN that it could not hide within or behind that organization, that it must end human rights violations, honour the 1990 election results and transfer power to the representatives of the people.

43. Mr. AL-ADHADH (Interfaith International) drew the Sub-Commission's attention to the crimes perpetrated by the Saddam Hussein regime against the leaders of the Shia religious community in Iraq. He gave detailed accounts of the assassinations on, 18 June 1998, of Grand Ayatollah Al-Gharawi and, on 21 April 1998, of Ayatollah Al-Burujerdi. The deaths of those and other religious leaders had to be viewed in the context of the previous threats against them, their special roles as leading members of the Shia religious establishment in Iraq and the history of similar terrorist attacks against any person regarded as a threat by the Iraqi Government.

44. The assassination of spiritual and juridical leaders was regarded by the international community as a crime against humanity, because their contribution to humankind was irreplaceable. His organization called upon the Sub-Commission to intervene and condemn those barbaric crimes and to request the Secretary-General to take all necessary steps to preserve the lives of the Shia religious leaders in Iraq and the integrity of the theology school in the holy city of Najaf.

45. Mr. BHUGYAL (Worldview International Foundation) said that, in the seven years since the Sub-Commission had adopted resolution 1991/10 calling upon the Chinese authorities fully to respect the fundamental human rights and freedoms of the Tibetan people, the situation had worsened. Tibetans had been banned from keeping photographs of the Dalai Lama and, in April 1998, 10 religious buildings at the pilgrimage site of Drag Yerpa, near Lhasa, had been demolished by the Chinese authorities on the pretext that they had not received official permission.

46. Since May 1995, the Eleventh Panchen Lama had been detained incommunicado and barred from assuming his position at his monastery and beginning his formal religious education. The Chinese authorities had refused publicly to state his whereabouts despite repeated appeals from the international community.

47. According to numerous reports by human rights organizations, the Chinese authorities were holding more than 1,000 political prisoners in Tibet, including juveniles. Physical abuses went unchecked and, in 1997, six political prisoners had died in custody as a result of routine torture. Three more deaths in unfortunate circumstances had been reported in 1998 and, in May 1998, Chinese security forces had opened fire on two peaceful prison demonstrations, killing a number of prisoners on the spot.

48. Tibetans were denied their right to peaceful assembly and freedom of expression, while human rights defenders were treated as criminals and the establishment of NGOs, trade unions or political groups was not permitted. In recent years the Chinese authorities had created further obstacles to the use of the Tibetan language and its literature. The implantation of Chinese settlers and the policy of enforced birth control on Tibetan women was directly threatening the very survival of the Tibetan national identity. Unless the international community showed political will and courage, and took specific action to bring human rights abuses in Tibet to an end, the situation there would not improve.

49. Mr. WELDEGIORGIS (Observer for Eritrea) said that, for the past eight weeks, the Government of Ethiopia had been engaged in a systematic policy of expelling Eritreans and Ethiopians of Eritrean ethnic origin solely on the basis of their national origin, often with great cruelty, in what was without doubt a crime against humanity. After giving accounts of individual victims, he said that, at the closing meeting of an international conference to establish a human rights commission in Ethiopia on 23 May 1998, the country's Prime Minister had spoken of his Government's commitment to the rule of law and to respect for human rights, but, only seven weeks later, he had proclaimed his Government's right to expel any foreigners it chose. The Prime Minister had compared the expulsion of Eritreans to the deportation of illegal Mexican immigrants by the Government of the United States of America.

50. That justification was an absurd one and an affront to the intelligence of the international community. Many of the persons expelled were Ethiopian citizens of ethnic Eritrean origin, who were legal residents in the country. The Prime Minister had stated that his Government could not expel a citizen of Ethiopia from Ethiopia, yet that was precisely what it was doing.

51. The expulsions were undertaken without any due process of law and without a right of appeal. It was also important not to forget the 8,000 poor farmers and pastoralists who had lived in Ethiopia for generations and owned farms and herds there, yet who had been deprived of their meagre livelihood. Citizens of third countries, who were of Eritrean origin, had also been arrested for deportation, though some had been saved by the intervention of their embassies. Some ethnic Eritreans with foreign passports had had them stamped with the words "deported, never to return".

52. Some people who had been deported stated that the Ethiopian security forces had accused them of membership of the Eritrean Community Association or the People's Front for Democracy and Justice (PFDJ), of voting in the Eritrean referendum, or of contributing to fund-raising campaigns. Those associations were, however, completely legal in Ethiopia, and fund-raising for Eritrea and participating in development campaigns in Eritrea were also completely legal activities. It was particularly puzzling that the PFDJ should be described as a clandestine organization, when the Ethiopian Government had not only permitted its activities but had even provided it with premises.

53. The mass expulsion of those people was an act of ethnic cleansing with no justification in the Ethiopian Constitution or Penal Code or in international law. The Ethiopian Government also clearly intended to deprive deportees of Eritrean origin of their Ethiopian citizenship, a precedent that the Sub-Commission could not possibly allow to stand. As Ethiopia had declared war on Eritrea, its Government would doubtless argue that it could derogate from the human rights provisions in the Constitution and Penal Code for reasons of national security. In those circumstances, however, the Eritreans in Ethiopia should be considered "protected persons" within the meaning of article 4 of the Fourth Geneva Convention. Article 5 of that Convention clearly stipulated that any action against protected persons must be taken on a case-by-case basis.

54. Mr. GETAHUN (Observer for Ethiopia) said that Eritrea, having launched an unprovoked attack against Ethiopia on 12 May 1998, was still occupying Ethiopian territory. The humanitarian consequences were staggering: hundreds of Ethiopians had been killed, hundreds of thousands displaced and hundreds more subjected to inhuman treatment in Eritrea. Schools and medical facilities had been destroyed, churches and grain depots looted, and domestic animals and other property stolen. The town of Zalambassa had been indiscriminately shelled and its 15,000 inhabitants forced to flee. An elementary school at Makalle had been targeted in an air strike.

55. A campaign of terror had been unleashed against Ethiopians in Eritrea. Prisoners of war had been paraded through the streets of Asmara and stoned by the crowd. Over 4,000 Ethiopian civilians had been expelled and their property confiscated. Ethiopian women had been raped by Eritrean soldiers.

56. Ethiopians who tried to leave Eritrea were beaten and their property confiscated. Some 30,000 Ethiopians in the port city of Assab had been denied the right either to work or to return to their country. Housemaids, private employees and day labourers had been summarily dismissed. Unarmed Ethiopians had been severely beaten, wounded or killed by gunfire and asphyxiated in unventilated cargo containers. Over 600 Ethiopian civilians were being held

in detention centres, where they were subjected to torture and inhuman treatment. The Eritrean Government had tried to impose Eritrean citizenship on the Ethiopians living in the areas it had occupied.

57. Given the atrocities it had perpetrated, the Eritrean Government had forfeited its moral right to appear before the Sub-Commission, let alone to accuse Ethiopia of human rights violations. The Ethiopian Government was fully committed to respecting the human rights of Eritreans living peacefully in the country. Moreover, the International Committee of the Red Cross (ICRC) and other NGOs had full access to all persons detained in Ethiopia, but no international body was allowed access to Ethiopian detainees in Eritrea.

58. Mr. NAZARIAN (Observer for Armenia) said that Nagorny Karabakh, an Armenian province since ancient times, had been transferred to Azerbaijan in 1921 by a juridically incompetent Bolshevik Party organ. During the Soviet era, the population of the province had suffered severe discrimination and the proportion of Armenians had declined from 95 to 75 per cent. Following a referendum in 1991, in which the overwhelming majority of the population of Nagorny Karabakh had voted for independence, Azerbaijan had taken up arms against the province. The subsequent armed conflict had created hundreds of thousands of refugees on both sides, and a severe economic blockade of Nagorny Karabakh and Armenia remained in place despite the ceasefire.

59. The peace negotiations had distorted the essence of the problem, which was the right to self-determination of a territory which had been annexed without the consent of its population. The principles of sovereignty, territorial integrity and non-interference in internal affairs could not be invoked to justify non-recognition of that right. New strategies aimed at limiting the scope of the right to self-determination had recently emerged. If successful, they could lead at best to enforced assimilation of small nations and at worst to genocide. He was convinced, however, that the aspiration to self-determination would continue to manifest itself in the third millennium.

60. Mr. ALDOURI (Observer for Iraq) said that, by virtue of the impartial positions adopted by its members, the Sub-Commission had an important role to play in drawing attention to the sufferings of the Iraqi people, particularly the most vulnerable sections of the population, since the imposition of economic sanctions in 1990.

61. Vital services and activities in the areas of health, education, energy, agriculture and industry had ground to a halt, because of the determination of certain States to maintain the sanctions indefinitely for political ends. It was common knowledge that the basic aim of the United States of America and the United Kingdom was to topple the existing regime in Iraq. Representatives of the United States Central Intelligence Agency (CIA) had recently met members of the so-called Iraqi opposition, whose agents raised funds for terrorist operations in Iraq.

62. It was incumbent upon the international community to oppose the use of economic sanctions for purposes other than those laid down in the Charter. A time-frame for the lifting of sanctions must be established, since Iraq had fulfilled all its international obligations under the relevant Security Council resolutions.

63. An entire population was being deprived of the most basic of all rights, the right to life, through starvation and illness. A total of 1,035,415 Iraqis had died of sanctions-related causes, such as shortages of medical supplies and malnutrition, since 1990.

64. He urged the Sub-Commission to reaffirm its decision 1997/119 concerning the humanitarian situation in Iraq and its resolution 1997/35 concerning the adverse consequences of economic sanctions on the enjoyment of human rights, and to make a strong appeal for the lifting of the economic sanctions against Iraq.

65. Mr. CHOWDHURY (Observer for Bangladesh) said that Bangladesh was committed to upholding human rights, the rule of law and good governance and tolerated no discrimination on grounds of religion, caste, creed or gender in the enjoyment of human rights. The Government had recently decided to accede to six key United Nations human rights instruments.

66. Recognizing that poverty stood in the way of full enjoyment of human rights, the authorities had placed poverty alleviation high on the development agenda, focusing on target groups such as women, youth and children.

67. A National Commission for Human Rights was being established and a National Ombudsman was about to be appointed. Ways of enhancing the efficiency of the judiciary and of ensuring easy and inexpensive access to justice for ordinary people were being explored. Human rights NGOs were also performing a valuable function, especially at the grass-roots level.

68. A historic Peace Accord on the Chittagong Hill Tracts had been signed in December 1997, ending two decades of insurgency and unrest. Considerable progress had already been made in implementing the Accord, thanks to the Government's determination, the unequivocal commitment of the Prime Minister and the cooperation of the tribal people. A Ministry of Chittagong Hill Tract Affairs, with a tribal person as its Minister, had been set up and a Regional Council was shortly to be formed. A recent international conference on Chittagong Hill Tract development had elicited a welcome response from prospective participants in the development of the area.

Statements equivalent to a right of reply

69. Mr. BENJELLOUN-TOUIMI (Observer for Morocco) said that the representative of Centre Europe-Tiers Monde had served as the mouthpiece for one side in the dispute concerning Western Sahara. His quotations from the Secretary-General's report (S/1998/534) had been highly selective.

70. A peacekeeping operation had been mounted with a view to organizing a referendum in Western Sahara. A Settlement Plan in that connection had been adopted by the Security Council in 1991. Regrettably, it appeared that the

NGO in question had not understood either the Secretary-General's report or the text of Security Council documents S/21360 and S/22464, which laid the basis for Security Council resolution 725 (1991).

71. For example, there was no question of the United Nations "administering the territory" during the last few weeks before the referendum. The sole responsibility of the United Nations Mission for the Referendum in Western Sahara (MINURSO) and the Special Representative of the Secretary-General for Western Sahara would consist in organizing and supervising the referendum. Nobody should presume to comment on the political aspects of the situation without being familiar with the technical details of the operation.

72. Mr. IDRIS (Observer for the Sudan), responding to a joint statement by the Association for World Education and Christian Solidarity International, said that it was the policy of his Government to allow relief supplies to pass freely through the territories it controlled to areas under the control of the rebels. It was unfortunate that a portion of that relief ended up in rebel hands through a system of taxation of the civilian population.

73. More than 2 million people had sought refuge from the war zone in government-controlled areas. It was hardly likely that they would seek protection in areas controlled by the perpetrators of genocide.

74. Although his Government's repeated calls for a permanent ceasefire had been rejected by the rebel movement, it had declared an indefinite and unilateral ceasefire three days previously with a view to improving the climate at the ongoing negotiations with the rebels under the auspices of the Intergovernmental Authority on Development (IGAD) and to helping to end civilian suffering and starvation.

75. It would have been more appropriate for the two NGOs to enjoin the negotiating parties to work towards a speedy settlement and urge the rebels to accept a permanent and comprehensive ceasefire, with the opportunity to exercise their right to self-determination as conceded by the Government.

76. His Government reaffirmed that its doors remained open to all those who were sincerely concerned to ascertain the truth and further the cause of peace.

77. He drew attention to decision 1997/113, whereby the Sub-Commission had decided not to adopt resolutions or decisions in respect of human rights situations that were being dealt with by the Commission on Human Rights under the public procedures.

The meeting rose at 5.55 p.m.